

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

UTICA MUTUAL INSURANCE)	
COMPANY,)	
)	
Plaintiff,)	
)	
v.)	Case Number CIV-04-965-C
)	
PAUL VOYLES, et al.,)	
)	
Defendants.)	

MEMORANDUM OPINION AND ORDER

Plaintiff Utica Mutual Insurance Company (Utica) brings this action under the diversity statute, 28 U.S.C. § 1332. Utica seeks declaratory relief regarding its duties, if any, to defend or indemnify Great States Insurance Agency, Inc., and Paul Voyles under the terms of an errors and omissions liability insurance contract for claims made during the policy period. Utica and co-defendants Jim McClure and Benefit Planning, Inc., resolved all claims in this litigation and the Court subsequently granted their joint motion to dismiss. (Order, Dkt. No. 122.) As a result, the motion for summary judgment filed by Jim McClure and Benefit Planning, Inc. [Dkt. No. 105] is **STRICKEN AS MOOT**.

IT IS SO ORDERED this 13th day of December, 2005.



ROBIN J. CAUTHRON
United States District Judge